

SA 4705. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. DECLASSIFICATION OF HISTORICAL FISA DECISIONS, ORDERS, AND OPINIONS OF SIGNIFICANCE.

(a) IN GENERAL.—Section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872) shall apply with respect to decisions, orders, and opinions by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as such terms are defined in section 601(e) of such Act (50 U.S.C. 1871(e))) that were issued before, on, or after the date of enactment of the USA FREEDOM Act of 2015 (Public Law 114-23; 129 Stat. 268).

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Director of National Intelligence shall complete the review required under section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872) with respect to, and make publicly available to the greatest extent practicable in accordance with such section, each decision, order, and opinion described in subsection (a) of this section that was issued before the date of enactment of the USA FREEDOM Act of 2015 (Public Law 114-23; 129 Stat. 268).

SA 4706. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

Subtitle D—Extraction and Processing of Defense Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the “Restoring Essential Energy and Security Holdings Onshore for Rare Earths and Critical Minerals Act of 2021” or the “REEShore Critical Minerals Act of 2021”.

SEC. 1432. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CRITICAL MINERAL.—The term “critical mineral” has the meaning given that term in

section 7002(a) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(a)).

(3) DEFENSE MINERAL PRODUCT.—The term “defense mineral product” means any product—

(A) formed or comprised of, or manufactured from, one or more critical minerals; and

(B) used in critical military defense technologies or other related applications of the Department of Defense.

(4) PROCESSED OR REFINED.—The term “processed or refined” means any process by which a defense mineral is extracted, separated, or otherwise manipulated to render the mineral usable for manufacturing a defense mineral product.

SEC. 1433. REPORT ON STRATEGIC CRITICAL MINERAL AND DEFENSE MINERAL PRODUCTS RESERVE.

(a) FINDINGS.—Congress finds that the storage of substantial quantities of critical minerals and defense mineral products will—

(1) diminish the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in procuring critical minerals and defense mineral products, the Secretary of Defense should prioritize procurement of critical minerals and defense mineral products from sources in the United States, including that are mined, produced, separated, and manufactured within the United States.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the United States Geologic Survey, and the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, the Secretary of Commerce, and the Director of National Intelligence, shall jointly submit to the appropriate congressional committees a report—

(A) describing the existing authorities and funding levels of the Federal Government to stockpile critical minerals and defense mineral products;

(B) assessing whether those authorities and funding levels are sufficient to meet the requirements of the United States; and

(C) including recommendations to diminish the vulnerability of the United States to disruptions in the supply chains for critical minerals and defense mineral products through changes to policy, procurement regulation, or existing law, including any additional statutory authorities that may be needed.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Intelligence shall take into consideration the needs of the Armed Forces of the United States, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), the defense industrial and technology sectors, and any places, organizations, physical infrastructure, or digital infrastructure designated as critical to the national security of the United States.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING CRITICAL MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than December 31, 2022, the Secretary of Defense,

after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report that includes—

(1) a review of the existing disclosure requirements with respect to the provenance of magnets used within defense mineral products;

(2) a review of the feasibility of imposing a requirement that any contractor of the Department of Defense provide a disclosure with respect to any system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the critical minerals used in the magnet were mined;

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized; and

(3) recommendations to Congress for implementing such a requirement, including methods to ensure that any tracking or provenance system is independently verifiable.

SEC. 1435. REPORT ON PROHIBITION ON ACQUISITION OF DEFENSE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

The Secretary of Defense shall study and submit to the appropriate congressional committees a report on the potential impacts of imposing a restriction that, for any contract entered into or renewed on or after December 31, 2026, for the procurement of a system the export of which is restricted or controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.), no critical minerals processed or refined in the People's Republic of China may be included in the system.

SEC. 1436. PRODUCTION IN AND USES OF CRITICAL MINERALS BY UNITED STATES ALLIES.

(a) POLICY.—It shall be the policy of the United States to encourage countries that are allies of the United States to eliminate their dependence on non-allied countries for critical minerals to the maximum extent practicable.

(b) REPORT REQUIRED.—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing in detail the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for critical minerals;

(2) assessing the likelihood of those countries discontinuing the use of critical minerals from foreign entities of concern (as defined in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(6))) or countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase critical mineral mining and production capabilities.

SA 4707. Mr. WHITEHOUSE (for himself and Ms. HASSAN) submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: